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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,687	06/21/2001	Steve O'Halloran	15-925 4983	8654

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EXAMINER

FISCHEITTI, JOSEPH A

ART UNIT PAPER NUMBER

3627

DATE MAILED: 04/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/886,687

Applicant(s)

O'HALLORAN ET AL.

Examiner

Joseph A. Fischetti

Art Unit

3627

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 March 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-5, 7, 8, 33, 38 and 41.
Claim(s) withdrawn from consideration: 35-37, 39, 40 and 42-48.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☒ Other: see attached p 2.

Joseph A. Fischetti
Primary Examiner
Art Unit: 3627



Flemming III disclose a component audit and inventory management system comprising: a host unit, (unit 102) resident in a host computer (108), the host computer comprising a processor, memory, and user interface; a host message handling system (read as the network 111 which allows communication between server 112 and the computer (108) operatively connected to the host unit and accessible to a data network: the host unit including: means for receiving a request-inventory message from a client computer via the host message handling system (interface 103 is read as this means because once device 102 is installed, the system interrogates the device 102 for e.g. date installed not installed see col. 4 lines 54 et seq. and the client computer is read as the server 112 and/or the "any user of the internet see col. 4 line 27), means for generating an inventory commence message in response to the request-inventory message, and for forwarding the inventory-commence message to the client computer via the host message handling system (the host computer 108 communicates with the client computer 112 to respond to the inquiry e.g. detect or no detect device 102 see col. 4 lines 54 et seq.); means for receiving hardware and software inventory data associated with hardware and software installed on a target device associated with the client and collected electronically from the target device (the server 112 determines whether driver needs to be installed), the inventory data having been collected by an inventory agent installed on the target device and activated by the inventory-commence message (inventory agent read as the interface 103 which collects port data about the device 102 which is attached to it) in the alternative, the device 102 is deemed fully capable of functioning as an inventory agent as specified in the claims. There is clear motivation for reading the server 112 as the client computer is found in col. 4 lines 27 which states the driver 116 of the device can be accessed by any user of the internet. Applicant's allegation that the host computer 108 and not the client computer generates the request inventory message is not persuasive because the request is ultimately initially generated at the server 112 or by the any Internet user and the role of the host computer 108 is merely that of an intermediary. Finally, applicant argues that the elements recited in the function part of the "means for receiving hardware and software inventory..." is met by the capability of the device 102 to meet these recitations because the function phrase contains too much structure to constitute a properly crafted 112 6th recitation.

Also, on line 14 applicant needs to recite computer after client. This amendment will be allowed if applicant files an appeal.

JOSEPH A. FISCHETTI
PRIMARY EXAMINER

